

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ABRAHAM J. SPENSLEY,	:	CIVIL ACTION
	:	NO. 07-4912
Plaintiff,	:	
	:	
v.	:	
	:	
	:	
MICHAEL ASTRUE,	:	
Commissioner of the	:	
Social Security	:	
Administration,	:	
	:	
Defendant.	:	

ORDER

**AND NOW**, this **16th** day of **September 2008**, upon consideration of the Report and Recommendation filed by Magistrate Judge Thomas J. Rueter (doc. no. 14)<sup>1</sup> and the cross motions for summary judgment filed by the parties (doc. nos. 10, 11, and 12), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Plaintiff's motion for summary judgment (doc. no. 10) is **GRANTED**;
3. The Commissioner's motion for summary judgment (doc. no. 11) is **DENIED**;
4. The case is **REMANDED** to the Commissioner in accordance with the fourth sentence of 42 U.S.C. §405(g) for

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<sup>1</sup> The Commissioner did not file Objections to the Report and Recommendation.

further proceedings consistent with this order; and

5. The Clerk is directed to enter **JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT** and to make this case closed for statistical purposes.

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.